

## **Exhibit J**

**In the Matter Of:**  
**Fair Fight vs Raffensperger**

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**Chris Harvey - Confidential**

*December 05, 2019*

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3200 COBB GALLERIA PARKWAY  
SUITE 265  
ATLANTA, GA 30339

Fair Fight vs Raffensperger

Chris Harvey - Confidential

12/05/2019

1 UNITED STATES DISTRICT COURT  
2 NORTHERN DISTRICT OF GEORGIA  
3 ATLANTA DIVISION  
4  
5 FAIR FIGHT ACTION, et )  
6 al., )  
7 )  
8 Plaintiffs, )  
9 vs. ) CIVIL ACTION NO.  
10 )  
11 BRAD RAFFENSPERGER, in ) 1:18-CV-05391-SCJ  
12 his official Capacity as )  
13 Secretary of State of )  
14 Georgia; et al., )  
15 )  
16 Defendants. )

11 THIS DEPOSITION CONTAINS INFORMATION DESIGNATED  
12 CONFIDENTIAL SUBJECT TO PROTECTIVE ORDER

13 DEPOSITION OF CHRIS HARVEY

14 (Taken by Plaintiffs)

15 December 5, 2019

16 9:37 a.m.

17  
18  
19  
20 Suite 1650  
21 1180 West Peachtree Street  
22 Atlanta, Georgia  
23  
24

25 Reported by: Debra M. Druzisky, CCR-B-1848

1 APPEARANCES OF COUNSEL

2 On behalf of the Plaintiffs:

3 LESLIE J. BRYAN, Esq.  
4 Lawrence & Bundy  
5 1180 West Peachtree Street, Suite 1650  
6 Atlanta, Georgia 30309  
7 (404) 400-3350  
8 leslie.bryan@lawrencebundy.com

9 -and-

10 ELIZABETH V. TANIS, Esq.  
11 957 Springdale Road  
12 Atlanta, Georgia 30306  
13 (404) 771-2274  
14 beth.tanis@gmail.com

15 -and-

16 ANDREW D. HERMAN, Esq.  
17 Miller & Chevalier  
18 900 16th Street  
19 Washington, D.C. 20006  
20 (202) 626-5865  
21 aherman@milchev.com

22 -and-

23 SARAH R. FINK, Esq.  
24 Kaiser Dillon  
25 1099 14th Street, 8th Floor  
Washington, D.C. 20005  
(202) 640-4412  
sfink@kaiserdillon.com

1 APPEARANCES OF COUNSEL (Continued.)

2 On behalf of the Defendants:

3 JOSH B. BELINFANTE, Esq.  
4 Robbins Ross Alloy Belinfante Littlefield  
5 500 14th Street  
6 Atlanta, Georgia 30318  
7 (678) 701-9381  
8 jbelinfante@robbinsfirm.com

9 -and-

10 CHARLES RYAN GERMANY, Esq.  
11 Georgia Secretary of State  
12 214 State Capitol  
13 206 Washington Street  
14 Atlanta, Georgia 30334  
15 (404) 657-7778  
16 rgermany@sos.ga.gov

17 Also Present:

18 Mike Brown, videographer

19 --oOo--



1     there's a press release dated May 30th, 2019 --

2             A.     Uh-huh.

3             Q.     -- about how county registrars will begin  
4     sending notices to Georgia voters.

5             A.     Yes.

6             Q.     Correct?

7                     And the last page of Exhibit 72 is the  
8     press release.

9             A.     Yes.

10            Q.     Okay. And in this press release, there  
11     is -- you are quoted in the fourth paragraph?

12            A.     Yes.

13            Q.     And you're quoted as saying:

14                     "Accurate voter rolls are a  
15     crucial component of secure and  
16     efficient elections.

17                     "By partnering regularly with  
18     stakeholders like the U.S. Postal  
19     Service, we're ensuring that only  
20     registered eligible voters are  
21     participating in their elections and  
22     that every voter is assigned to the  
23     correct precinct on Election Day."

24                     Correct?

25            A.     Yes.

1 Q. Okay. Do the stakeholders that you're  
2 referring to there include E.R.I.C.?

3 A. It will. At that point our membership in  
4 E.R.I.C. had not -- I don't know what the status  
5 was, but I think we were in the process of joining.  
6 But E.R.I.C. will be a stakeholder or partner.

7 Q. Okay. And if partnering with stakeholders  
8 like the U.S. Postal Service and E.R.I.C. ensure  
9 that only registered eligible voters are  
10 participating in elections, why is Georgia removing  
11 or cancelling people from the voter rolls because  
12 they haven't had contact with the Secretary of  
13 State's office?

14 MR. BELINFANTE: Object to the form.

15 THE WITNESS: Because that's what the  
16 Georgia law requires.

17 BY MS. TANIS:

18 Q. But is there any reason for that anymore?

19 I mean, what's the rationale for remove --  
20 cancelling a voter who may not have moved simply  
21 because the voter hasn't had contact with the  
22 Secretary of State's office when you have these  
23 partners like the U.S. Postal Service and E.R.I.C.?

24 MR. BELINFANTE: Object to the form.

25 THE WITNESS: Again, that's what the

1 Georgia legislature has said we need to  
2 do.

3 BY MS. TANIS:

4 Q. Any other reason?

5 A. That's the prime reason.

6 Q. Did the Secretary of State provide  
7 information or recommendations or any other  
8 information to the legislature in connection with  
9 this statutory provision?

10 MR. BELINFANTE: Object to the form.

11 THE WITNESS: I don't believe so.

12 BY MS. TANIS:

13 Q. I mean, you testified before about, with  
14 H.B. 316, the Secretary of State's office was  
15 supportive of the changes that were made; correct?

16 A. Yes.

17 Q. Okay. In that process did the Secretary  
18 of State's office inform the legislature that it  
19 didn't make much sense, if it was going to be  
20 joining E.R.I.C. particularly, to continue to  
21 cancel voters just because they hadn't had contact  
22 with the Secretary of State's office?

23 MR. BELINFANTE: Object to the form.

24 THE WITNESS: I don't believe we made  
25 that point.



1 Now, there were some changes in the  
2 process in 316 where the time was extended  
3 to five years and also the requirement  
4 that we provide written notice to people  
5 in advance.

6 And like I said, we didn't -- our  
7 office didn't object to those changes to  
8 the system.

9 BY MS. TANIS:

10 Q. Has the Secretary of State's ever --  
11 office ever looked into the number of people who  
12 move out of the state of Georgia each year?

13 A. We've actually done a little bit of look  
14 at some Census Bureau data. And it's -- so we  
15 actually looked at a little bit of that earlier  
16 this year.

17 Q. And what was the reason for the Secretary  
18 of State looking at that information?

19 A. I think it was to evaluate the -- get some  
20 basic numbers to see if it was consistent with  
21 patterns of voters being added or deleted from the  
22 voter list.

23 Q. In looking at that census data, did the  
24 Secretary of State exclude from those numbers  
25 people who wouldn't be eligible to vote, like kids

1 or other categories of people who wouldn't be  
2 eligible to vote?

3 A. I don't believe so. I think they looked  
4 at some gross numbers.

5 Q. If a voter has not, in fact, moved but has  
6 had their registration cancelled for not having  
7 contact with the Secretary of State's office for  
8 the time period specified in the Georgia Election  
9 Code, does that removal or cancellation of that  
10 registration make the voter rolls more accurate?

11 MR. BELINFANTE: Object to the form.

12 THE WITNESS: Well, to clarify, it's  
13 not just contact with the Secretary of  
14 State's office. It's contact with the,  
15 basically the entire voting system.  
16 Because it could be a change made to your  
17 county registration office.

18 So just to clarify, they don't have  
19 to contact the Secretary of State's  
20 office. If they make a change or vote in  
21 a county election or sign a petition or  
22 update their name or their address in  
23 their county, that also keeps them off of  
24 this list.

25 BY MS. TANIS:

1 Q. Okay. Well, let me -- regardless of that,  
2 if someone hasn't moved but hasn't had the contact  
3 with the county or the Secretary of State, does the  
4 cancellation of that voter's registration make the  
5 registration rolls more accurate?

6 MR. BELINFANTE: Object to the form.

7 THE WITNESS: It might.

8 BY MS. TANIS:

9 Q. How?

10 A. If the voter -- are you saying if the  
11 voter hasn't moved?

12 Q. Has not moved.

13 A. Okay. If the voter has not moved and the  
14 voter is still alive and still there, I don't know  
15 that it has an impact.

16 Q. Well, the impact is actually to make the  
17 voter rolls less accurate, isn't it? Because now  
18 an eligible voter has been removed from the  
19 registration list --

20 MR. BELINFANTE: Object to the form.

21 BY MS. TANIS:

22 Q. -- or cancelled from the registration  
23 list.

24 A. They're, at that point they're not  
25 eligible based on Georgia law.



1 Q. Yes. But you've got that voter in a  
2 Catch-22 now with what you're saying, don't you?

3 A. I don't.

4 Q. Well, the legislature does, I'll say.

5 A. Maybe the legislature does.

6 Q. Okay. And removing a voter who hasn't  
7 moved -- or strike that. Let me start over.

8 Cancelling the registration of a voter who  
9 hasn't moved and whose registration is being  
10 cancelled purely because that person hasn't had  
11 contact, as that term is described in the statute,  
12 doesn't do anything to prevent fraud, does it?

13 MR. BELINFANTE: Object to the form.

14 THE WITNESS: I don't think I know  
15 the answer to that question.

16 BY MS. TANIS:

17 Q. Okay. I mean, that voter is still a  
18 legitimate voter, eligible voter; correct?

19 A. Well, once the provisions of the law are  
20 enacted, they're not an eligible voter.

21 Q. No, but I'm saying just the existence --  
22 if I'm somebody who has stayed at my same address  
23 for 20 years, and for whatever reason I haven't had  
24 any contact with the county or the voting system  
25 for ten years, if my registration is cancelled,



1 that doesn't do anything to prevent fraud, does it?

2 A. Well, you would have also -- and now you  
3 would have not taken two opportunities to respond  
4 to mailings that were sent in order to become  
5 inactive in the first place. So there would have  
6 been two attempts to reach out to confirm that  
7 you're still there that you would have not  
8 responded to.

9 But for whatever reason, if somebody  
10 didn't respond to that, then the effect that would  
11 have on fraud; was that your question?

12 Q. Right.

13 A. Again, that's the -- that's a question for  
14 the legislature.

15 Q. I know. But in your experience, you've  
16 been doing this for a long time, the person who  
17 hasn't moved but who hasn't had contact with the  
18 Secretary of State's office or the counties or  
19 however that's defined in the statute --

20 A. And has --

21 Q. -- does not --

22 A. -- failed to respond to requests?

23 Q. -- and has failed to respond, right, does  
24 not prevent -- or does not present a fraud risk;  
25 correct?

Fair Fight vs Raffensperger

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12/05/2019

1 MR. BELINFANTE: Object to the form.

2 THE WITNESS: I don't know that -- I

3 don't know -- I'm not sure I can say

4 conclusively "yes" or "no."

5 BY MS. TANIS:

6 Q. But there's -- I mean, other than there

7 might be some other fact, but there's nothing

8 inherent about not having contact --

9 MR. BELINFANTE: I think we've --

10 BY MS. TANIS:

11 Q. -- with the registra -- or with the voting

12 system --

13 MR. BELINFANTE: I think we've --

14 BY MS. TANIS:

15 Q. -- that makes somebody a greater risk of

16 fraud, is there?

17 MR. BELINFANTE: I think he's

18 asked --

19 THE WITNESS: I think I've --

20 MR. BELINFANTE: -- and answered the

21 question.

22 THE WITNESS: -- tried to answer this

23 question as best I can.

24 BY MS. TANIS:

25 Q. Okay. So you can't say one way or the

1 other; right?

2 A. That's what I've said --

3 Q. Okay.

4 A. -- before, yes.

5 Q. How does the Secretary of State's office  
6 know whether people being cancelled from the voter  
7 rolls for not having contact have received the  
8 required notices?

9 A. There's documentation that they've been  
10 sent in E-net. So if a county generates a  
11 confirmation notice for whatever reason, that's an  
12 auditable fact in E-net. And then now, with the  
13 second notices required, we actually print them and  
14 send them, so we know they've been sent.

15 As far as knowing that they got them,  
16 that's a different story.

17 Q. And when you say we now print them, are  
18 you saying the Secretary of State's office prints  
19 them?

20 A. We print them and then send them to the  
21 counties to mail out.

22 Q. So does the county have any actual  
23 physical evidence that it has sent out those  
24 notices?

25 A. They have a document in E-net that would